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29 OCT 1998

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In re Application of
SCHWARTZ et al.
Serial No.: 08/973,293
PCT No.: PCT/US97/06831
Int. Filing Date: 23 April 1997
Priority Date: 23 April 1996
For: SECURE POSTAGE PAYMENT SYSTEM
AND METHOD

DECISION ON RENEWED
SUBMISSION
UNDER 37 CFR 1.42

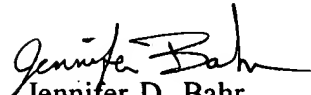
This is a decision on the RENEWED SUBMISSION UNDER 37 CFR 1.42 filed 11 August 1998, which requests reconsideration of the decision mailed 31 July 1998 refusing status under 37 CFR 1.42 of the papers filed 01 December 1997. The decision mailed 31 July 1998 refused status under 37 CFR 1.42 because it was not clear that applicants had ever responded to the Invitation to Correct Defects in the International Application (Form PCT/RO/106) mailed 27 May 1997 by submitting a Request or powers of attorney by the applicant and applicant/inventors.

On 11 August 1998, applicants filed a request for reconsideration of that decision accompanied by, *inter alia*, evidence that powers of attorney signed by an official of the corporate applicant and by the applicant/inventors and by Gaye Gardner as legal representative of deceased inventor Gary Gardner were filed on 17 June 1997 in response to the Form PCT/RO/106. Further, review of the international application file indicates that the papers filed 17 June 1997 have been entered therein.

Accordingly, upon reconsideration in view of the above-mentioned evidence, the papers filed 01 December 1997 are accepted under 37 CFR 1.42.

It is noted that proof of the authority of the legal representative in compliance with 37 CFR 1.44 MUST be submitted before the grant of a patent. As discussed in the decision mailed 31 July 1998, the Probate Certificate filed 01 December 1997 was insufficient to establish proof of the authority of the legal representative because it was a copy and thus did not indicate the court seal impressed thereon. The sufficiency of the proof of authority of the legal representative will be evaluated by the examiner of this application.

This application is being forwarded to the United States Designated/Elected Office for preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of **01 December 1997** under 35 U.S.C. 371(c) and 102(e).


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